

UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 10/825066

Confirm No.: 7220

Inventor: SID, Alberto

Filed: 15 April 2004

Art Unit: 2821

Examiner: VO, TUYET THI

Attorney Docket: 226/3

Title: Remote Controlled Intelligent Lighting System

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ELECTION, TRAVERSE, AMENDMENT AND RESPONSE

The following election is made in response to the election requirement and ex parte quayle action sent 4 June 2007. Applicant provisionally elects allowed species I, indicating claims 38, 2-17 and 39. As the examiner has indicated this is allowable subject matter, the applicant asks that the application be allowed with at least these claims based on the following amendment to the claims that serve only to correct formality objections raised by the examiner.

The applicant agrees with the examiner that the differences between allowed Species I and Species II is that Species II positively recites the limitation of having a changeable address and positively recites a non-mechanical switch for changing into a programming mode. However, the applicant objects to the examiners characterization that because allowed Species I is silent as to the changeability of its address that it is understood to be non-changeable. This is an incorrect statement; since allowed claim 38 is silent, the address can be either changeable or static. Particularly, when the application is taken as a whole all recitals to the address permits changeability and not a static address. Further, the applicant objects that the means for changing into a programming mode of allowed Species I does not include non-mechanical switches. Particularly, when the application is taken as a whole, the means recited in the specification includes non-mechanical switches. Species II therefore contains all of the elements of allowed Species I with the further limitation of the address being a changeable address, as opposed to an address that is changeable or static and

the means for switching into a programming being a non-mechanical switch. The applicant therefore traverses the election requirement as between allowed Species I and Species II and requests that the claims of Species II be included in the notice of allowance.

However, if the restriction is maintained, the Applicant requests rejoinder of the claims of Allowed Species I and Species II according to MPEP 821.04 which states in part:

“In order to be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the limitations of an allowable claim.”

As claim 19 requires all of the elements of allowed claim 38 it is subject to rejoinder. As shown by the examiner the differences between claim 19 and allowed claim 38 is that the electronic address of allowed claim 38 which has no restriction as to being static or changeable is restricted to being only a changeable address in claim 19. The second point of difference as stated by the examiner is that the open means for switching into a programming mode of allowed claim 38 is restricted to a non-mechanical switch in claim 19.

Please enter the attached amendment to the claims. The amendment serves to correct antecedent formality objections raised by the examiner.

In claim 38 the term “means” was removed from the phrase “said remote control means” as a remote control had been previously indicated and not a remote control means. Further, the term “said” prior to the term “address field” has been removed to correct the antecedent correlation of the address field.

While the examiner has indicated an antecedent claim objection for claim 34 there is no reference to a “said incoming signal” in claim 34.

The applicant agrees to a phone interview with the examiner to address any further formality objections the examiner may have and agrees when

possible to allow an examiners amendment to expeditiously move the allowed claims to issue.

Dated: 12 March 2006

Respectfully submitted,  
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(Cust. No. 24,101)

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